

PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY

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RECEIVED AND FILED  
WITH THE  
N.J. BOARD OF DENTISTRY  
ON 2-5-97 cm

By: Marilyn Bair  
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Division of Law  
124 Halsey Street  
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Tel: (201) 648-3696

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY  
DOCKET NO.

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In the Matter of	:	
	:	
	:	Administrative Action
LEO RUSS, D.D.S.	:	
HAROLD REISNER, D.D.S.	:	CONSENT ORDER
ROBERT RUSSANO, D.D.S.	:	
STEPHEN SHERMAN, D.D.S.	:	
t/a DOWNTOWN DENTAL CENTER	:	
	:	
Licensed to Practice Dentistry:	:	
in the State of New Jersey	:	

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This matter was opened to the New Jersey State Board of Dentistry ("Board") upon the receipt of a patient complaint from M.R., who has tested positive for human immunodeficiency virus ("HIV positive"), concerning respondents' failure to treat her based on her medical status.

Undercover investigators from the Division of Consumer Affairs Enforcement Bureau presented themselves as HIV positive patients to the Downtown Dental Center on August 11, 1995 and August 23, 1995 and, like M.R., were not afforded treatment.

Respondents, in writing and through their attorney, Kevin H. Marino, have advised the Board that when an existing patient of respondents reports to respondents that he has contracted the AIDS virus, the respondents continue to treat that patient. Further, respondents render dental care to HIV/AIDS patients referred by the federally-funded Ryan White Project. However, respondents refer new HIV/AIDS patients to St. Joseph's Hospital and Medical Center, which receives federal funding for the treatment of HIV/AIDS patients.

Despite respondents' rendering of dental treatment to some persons who have HIV/AIDS, failing to provide dental treatment to any person because of his HIV/AIDS status violates the Americans with Disabilities Act and the New Jersey Law Against Discrimination, even when the failure to treat has a rational basis and/or is based upon good intentions. The failure to provide treatment to patients based solely on the fact that the patients are infected with HIV/AIDS is conduct deemed to be professional misconduct within the meaning of N.J.S.A. 45:1-21(e). Further, since Universal Precautions are the standard of care for all patients, a dentist may not refer an infected patient to another dental facility on the basis that the dentists is not equipped to treat the patient safely.

It appearing that the parties desire to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 5<sup>th</sup> DAY OF February, 1997,

HEREBY ORDERED AND AGREED THAT:

1. Respondents shall cease and desist from refusing to render dental treatment to any patient based upon their HIV/AIDS status.

STATE OF NEW JERSEY  
BOARD OF DENTISTRY

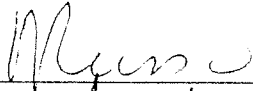


Anthony Villane, D.D.S.

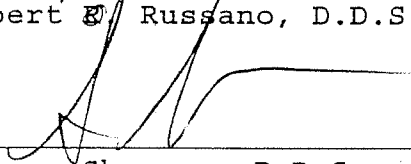
I have read the within Consent Order  
and understand its terms. I hereby  
consent to its form and entry.



Leo V. Russ, D.D.S.



Robert E. Russano, D.D.S.



Steven Sherman, D.D.S.

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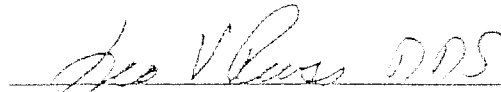
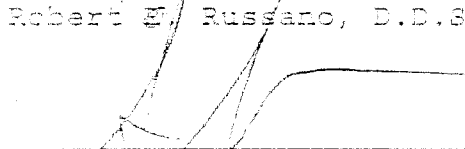
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